

Merchantville, NJ June 10, 2019

A regular meeting of Borough Council was held at 7:30 PM, Monday, June 10th, 2019. Mayor Ted Brennan presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

ROLL CALL:

Council Present: Maria Nina Scarpa, Sean Fitzgerald, Dan Sperrazza, Griffin Kidd, Andrew McLoone, Anthony Perno, Edward Brennan. Attorney Timothy Higgins, CFO Denise Moules and Clerk Denise Brouse were present.

PUBLIC

Wallace Hussang, 33 Franklin Avenue, Traffic problems on Franklin along with an issue with signs being placed on the street by residents, see photos and email. There is also a large overweight truck that parks on the street and makes it difficult to maneuver out of the driveway.

Michael Thomas, 210 E Maple Avenue, Consider not allowing plastic bags in Merchantville.

ENGINEER REPORT Attached

CORRESPONDENCE Spotted Lantern fly notice

COUNCIL REPORTS

Perno- The budget for Capital will be ready in July.

McLoone- Police report was provided, National Night Out was very successful. The drug alliance coordinator has resigned. 214 W Maple Avenue continues to have issues.

Sperrazza- Working on ways to increase staff for collection of yard waste during certain seasons. PW is working in areas by the playgrounds and bike path and removing the meter poles. The tennis courts were power washed and tree trimming will begin along the bike path.

Glenwood Avenue- kick start to the project is happening now, a pumping station may be needed to address the issues.

Fitzgerald- No fire report, the birthday celebration held with the first Friday event was well attended and successful. We are working on developing an events committee, several people have responded and follow up will be soon.

Scarpa- Court report was provided, Amber has completed her classes and will be taking the test. Shade Tree has used just about all of their funds and they will need to figure out how to get trees trimmed. Backyard chickens are on the agenda.

Kidd- The Green Team has been active.
What does our storm water infrastructure look like?

CLERK'S REPORT

Lanternfly bug in Camden County
Parks and Playgrounds
Car Show
Farmer's Market
First Friday
MEL/JIF Training
Tax Sale

National Night Out

OLD BUSINESS

Downtown Redevelopment Area – June 19 meeting, should have financial and drawing information
Community Center Project- Update was provided
SAVE Program – 9 referrals – 0 were Merchantville residents
Deed Restriction Update – filed for Affordable Housing 606 W. Maple Avenue

NEW BUSINESS

USE OF FACILITY Eclipse Brewing Off Premises Event
On the motion of Mr. Kidd and second of Mr. Sperrazza approved

DISCUSSION Bamboo/Invasive Plant Species Ordinance – old business next month

DISCUSSION Amend Parking Permit Ordinance – family/guest members with 2 year expiration date

DISCUSSION Request for Do Not Block the Box – minimal cost/engineer design it

DISCUSSION Grand Re-Opening/Ribbon Cutting Merchantville Community Center

DISCUSSION Camden County Freeholders' Meeting – July 18, 2019

DISCUSSION Resolution of Support A5450 – Local Taxation of Business Personal Property of Local Exchange Telephone Companies. Reverse phone impact on Verizon Aid, hearing on Thursday, letter of support.

DISCUSSION Centre Street Reconstruction/Storm Water Infrastructure Study – Working with CME regarding ramps/plans to make discussions/concerns complicated situations including bike path.

RESOLUTIONS to be read by consent agenda: On the motion of Mr. Perno and second of Mr. Sperrazza, Council approved the following resolutions:

R19-58 RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO RENEW ABC PLENARY RETAIL DISTRIBUTION LICENSE

WHEREAS, Tulsi Merchantville LLC, 9-11 West Park Avenue, Merchantville, NJ, has applied for renewal of their Plenary Retail Distribution License for the year July 1, 2019 to June 30, 2020 and applications have been filed with checks to the Borough of Merchantville in the amount of \$1,250.00 each and checks to the State Division of Alcoholic Beverage Control in the amount of \$200.00 each; and

WHEREAS, Councilor Scarpa, director of the Department of Records and Licenses, has reported that the licensed premises were inspected to ascertain that they comply with all pertinent health and safety laws and regulations, and that he recommends the granting of said licenses; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Plenary Retail Distribution License #0424-44-002-009 to Tulsi Merchantville LLC..

R19-59
RESOLUTION TO RENEW ABC PLENARY RETAIL
CONSUMPTION LICENSE

WHEREAS, MANASUR INC., 2 South Centre Street has applied for renewal of their Plenary Retail Consumption License for the year July 1, 2019 and ending June 30, 2020, applications have been filed with the State and the check to the Borough of Merchantville in the amount of \$1,250.00; and

WHEREAS, Councilor Scarpa Director of the Department of Records and Licenses, has reported that the licensed premises were inspected to ascertain that they comply with all pertinent health and safety laws and regulations, and that he recommends the granting of said licenses; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Plenary Retail Consumption License #0424-33-003-007 to MANASUR INC.

R19-60
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO RENEW
ABC PLENARY RETAIL DISTRIBUTION LICENSE

WHEREAS, First Jay Sai LLC, 620-622 W Maple Avenue, Merchantville, NJ, has applied for renewal of their Plenary Retail Distribution License for the year July 1, 2019 to June 30, 2020 and applications have been filed with checks to the Borough of Merchantville in the amount of \$1,250.00 each and checks to the State Division of Alcoholic Beverage Control in the amount of \$200.00 each; and

WHEREAS, Councilor Fitzgerald, director of the Department of Records and Licenses, has reported that the licensed premises were inspected to ascertain that they comply with all pertinent health and safety laws and regulations, and that he recommends the granting of said licenses; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Plenary Retail Distribution License #0424-44-001-010 to First Jay Sai LLC..

R19-61
Resolution OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN
AND STATE OF NEW JERSEY Requesting Approval of Items of Revenue

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an appropriation for the equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Merchantville, in the county of Camden, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2019 in the sum of \$ 232,856.65, which is now available as a revenue from the State Pursuant to the provision of the statute, and

BE IT FURTHER RESOLVED that the like sum of \$232,856.65 is hereby appropriated under the caption Special items of Recreation; and

BE IT FURTHER RESOLVED that the above is a result of a donation of \$ 232,856.65 from:

2019 Department of Transportation Municipal Aid Roads Program	225,000.00
Court Alcohol Education, Rehabilitation and Enforcement Fund	80.37
2019 Clean Communities Grant	7,776.28
TOTAL	232,856.65

R19-62
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO
REFUND TAX PAYMENT

WHEREAS, the Merchantville Tax Collector has called to Mayor and Council's attention a request to refund a 2017 2ND qtr. tax payment due to being a totally disabled Veteran effective March 2017.

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Merchantville that the following refund be approved on this account in the amount of \$1,963.92 and the refund be forwarded to:

Loan Care Servicing	Tax Escrow Department
Ref #0024588501	
PO Box 43070	Jacksonville, FL 32203

YEAR	BL.	LOT	NAME & ADDRESS	AMOUNT
2017	43.01	2	Elliot E Irzarry 202 Glenwood Ave	\$1,963.92

R19-63
CERTIFYING A LIEN AGAINST CERTAIN PROPERTIES FOR COSTS
INCURRED BY THE BOROUGH OF MERCHANTVILLE IN ACCORDANCE
WITH THE PROPERTY MAINTENANCE CODE

WHEREAS, in accordance with Chapter 3 of the Code of the Borough of Merchantville entitled the "Property Maintenance Code", notice of noncompliance was sent to the below properties,

WHEREAS, said property owners did not comply with said notice and the Merchantville Public Works Department was ordered to abate the violations; and

WHEREAS, it is the desire of this Governing Body, in accordance with Chapter 60B of the Code of the Borough of Merchantville, to certify said costs incurred by the Merchantville Public Works Department as a lien against the properties; in accordance with Chapter 3 of the Code of the Borough of Merchantville.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that the following lien is hereby certified as against the property as noted in accordance with Chapter 3 of the Code of the Borough of Merchantville:

320 W Maple Ave	\$250.00
4 E Maple Ave	\$250.00

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a certified copy of this resolution to the owner(s) of the subject property.

BE IT FURTHER RESOLVED that the Tax Collector shall be responsible for collection of the amounts herein certified.

R19-64
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
 COUNTY OF CAMDEN, STATE OF NEW JERSEY TO APPROVE A
 MERCHANDISE RAFFLE LICENSE FOR MERCHANTVILLE TASK FORCE**

WHEREAS, Merchantville Task Force has applied for and received an identification number 299-8-33546 allowing Merchantville Task Force the ability to conduct raffle licenses with proper approval; and

WHEREAS, Merchantville Task Force has properly completed the raffle license application and at least 7 days have elapsed between the time the application was filed and the time that the Borough Council made their findings and determination with checks to the Borough of Merchantville in the amount of \$20.00 each and checks to the Legalized Games of Chance Control Commission in the amount of \$20.00 each and that 15 days will elapse between the time the municipality forwards the application to the control commission and the date the license is issued to the applicant ; and

WHEREAS, Council person Scarpa Director of the Department of Records and Licenses, has reported that the laws and regulations have been met, and that she recommends the granting of said license; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Raffle license numbered 19-01MTF to Merchantville Task Force for the raffle taking place on July 13, 2019.

R19-66
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF
 CAMDEN AND STATE OF NEW JERSEY AUTHORIZING SUPPORTING
 A-5450, WHICH, IF ENACTED, WOULD ELIMINATE REGIONAL
 CONTRIBUTION AGREEMENTS AS A TOOL TO FACILITATE
 MUNICIPAL COMPLIANCE WITH MOUNT LAUREL**

WHEREAS, in 1997, through the enactment of P.L.1997, c.162 (C.54:10A-3 et al.), the Legislature approved an amendment to R.S.54:4-1 concerning the taxation of business personal property, including the property of local exchange telephone companies; and

WHEREAS, prior to the amendment of that statute, local exchange telephone companies were obligated to pay business personal property taxes on the tangible goods and chattels, exclusive of inventories, used in the business of local exchange telephone, telegraph, and messenger systems, companies, corporations, and associations if they were subject to the gross receipts and franchise tax under P.L.1940, c.4 (C.54:30A-16 et seq.) and provided access to “substantially all” of a local telephone exchange. P.L.1997, c.162 (C.54:10A-3 et al.) amended; and

WHEREAS, the definition of “local exchange telephone companies” in R.S.54:4-1 to require that such a company would be subject to business personal property tax if it were subject to the gross receipts and franchise tax under P.L.1940, c.4 (C.54:30A-16 et seq.), as of April 1, 1997, and provided dial tone and access to 51 percent of a local telephone exchange as of April 1, 1997.

WHEREAS, the intended effect of this requirement was to enshrine, in perpetuity, the business personal property of telecommunications companies into the property tax base of the municipalities wherein this business personal property was located, in order to stabilize the municipal property tax base for those municipalities and provide certainty for local budgeting purposes; and

WHEREAS, the Tax Court in Verizon New Jersey Inc. v. Borough of Hopewell, 26 N.J. Tax 400 (Tax Ct. 2012), incorrectly construed the statutory changes made in P.L.1997, c.162 (C.54:10A-3 et al.) to mean that the language of R.S.54:4-1 required that a telecommunications company has to meet the 51 percent test every year as of the assessment date in order for the business personal property tax to be assessed and levied by the municipality in which the business personal property was located; and

WHEREAS, the municipalities in the State in which the business personal property of telecommunications companies is located will face the costs and uncertainty of litigating tax appeals as well. The taxpayers of these municipalities will bear the burden of paying legal fees to defend the assessment of business personal property taxes, and will have to endure increased property tax burdens if this business personal property tax cannot be imposed. This taxpayer burden is not what the Legislature intended.

WHEREAS, the Legislature has determined that corrective legislation clarifying the Legislature's intent in 1997 to stabilize the taxation of business personal property in perpetuity is necessary and appropriate, and shall be accomplished by establishing in R.S.54:4-1 the responsibility of a telecommunications carrier which held the regional monopoly on landline service before the market was opened to competitive local exchange carriers by the federal Telecommunications Act of 1996, or the corporate successors of such a local exchange telephone company, to pay business personal property taxes to the municipalities in which the property is located; and

WHEREAS, for the reasons set forth above and other reasons, it is in the best interest of the State, the region and our community that A-5450 be enacted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, as follows:

1. The Borough of Merchantville declares that A-5450 is in the best interest of our State, our region, and our community.
2. The Borough of Merchantville vigorously supports A-5450, attached hereto.
3. The Borough Clerk is hereby directed to submit copies this Resolution to Assemblyman Louis Greenwald, Assemblywoman Pamela Lampitt, Assemblywoman Patricia Egan Jones, Assemblyman William W. Spearman, Assemblyman Paul D. Moriarty, Assemblywoman Gabriela M. Mosquera, Assemblyman John J. Burzichelli and Assemblyman Adam J. Taliaferro to inform the Senate and the Assembly of our strong views on this bill and to urge them to support it.

ORDINANCE for introduction on first reading. This ordinance will be considered for adoption at the public hearing to be held during the July 8th council meeting.

On the motion of Mr. Perno and second of Mr. Kidd:

19-07

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 9, ANIMALS, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 9, Animals, in the Code of the Borough of Merchantville, be and hereby is amended, as follows:

ARTICLE I.

SECTION 9-56.1

Chickens permitted.

Notwithstanding the provisions of Section 9-56 of this Chapter, the keeping of backyard chickens shall be permitted in the Borough of Merchantville subject to the rules and regulations as specified in Sections 9-56.1 through 9-56.5 of this Chapter.

ARTICLE II.

SECTION 9-56.2

Location; number restricted.

A. The following shall be eligible to the keep backyard chickens in the Borough of Merchantville subject to the rules and regulations as specified in Sections 9-56.1 through 9-56.5 of this Chapter: residents of single family homes or residents of "twin" homes or "row" homes which meet the criteria set forth in this Section.

B. Any household issued a licenses for the keeping of backyard chickens prior to the adoption of this Ordinance shall retain said license. Any other household wanting to participate may be considered on an individual basis by the Chicken Advisory Board established pursuant to Section 9-57 in conjunction with the liaison to the Governing Body.

C. There shall be a limit of eight (8) chickens per license. No roosters are permitted.

D. The coop and enclosed run shall not exceed six (6) feet in height and be kept at least ten (10) feet from the habitable portion of the neighboring residential dwelling. Garages, attached or otherwise, and accessory buildings shall not be considered a "residential dwelling" for purposes of calculating the required distance. Chickens may roam outside of the coop area in a back yard suitably fenced to keep them contained provided that a person age eighteen (18) or older is present the entire time.

ARTICLE III.

SECTION 9-56.2

**Chicken License Required;
Fee; term; classes.**

Consistent with the provisions of this chapter, no person shall keep chickens on his/her property without first obtaining a license from the Borough Clerk's office and paying the required fee therefor. No license shall be issued unless the applicant therefor has demonstrated compliance with all criteria set forth in this section.

(A) An annual fee of \$25.00 shall be paid for each license issued under this Section for one (1) to eight (8) chickens. Licenses shall be renewed annually and shall expire on December 31st of the calendar year.

(B) The applicant must reside on the property in which the chickens subject to the license are to be housed. If applicant is a renter and/or tenant and/or occupier of the property where chickens are to be housed, the applicant must have the complete the "Property Owner/Landlord Permission Affidavit" portion of the license application, properly executed by the property owner or landlord and duly notarized.

(C) A new licensee, who was maintaining chickens at the time of the passage of this section, may be issued a license for more than the permitted number of chickens to allow such person(s) to come into compliance with this section through the natural expiration of their chickens.

(D) No license shall be issued unless the applicant desiring to keep backyard chickens has taken a class on the basics of raising backyard chickens acceptable to the Chicken Advisory Board. Proof of completion of such class must be presented with the completed application. The Chicken Advisory Board will provide a class or refer the applicant to an acceptable backyard chicken keeping class as needed. A member of the Chicken Advisory Board will review the application with the applicant prior to final submission.

ARTICLE IV.

SECTION 9-56.4

**Requirements for coops; slaughter of
chickens; waste.**

The following regulations and conditions for the keeping and housing of chickens shall be complied with:

- A. The coop shall be the appropriate size for the number of chickens.
- B. The coop shall be dry and well ventilated with windows to admit sunlight.
- C. The coop must be kept clean.
- D. The coop and enclosed run must be made predator-proof.
- E. Clean water must be provided, and food must be kept tightly closed in a metal container away from the coop and run at night.
- F. The yard in the area where the coop is located shall be clean and free from odors.

- G. There shall be no slaughter of chickens in Merchantville.
- H. Waste will be handled in such a way as proper composting to prevent offensive odors or disposed in an environmentally-friendly manner.
- I. There shall be no selling of eggs.

ARTICLE V. SECTION 9-56.5 Chicken Advisory Board; complaints.

A. A Chicken Advisory Board consisting of five (5) members of the community shall be formed and maintained. The Chair and members of this Board will be appointed to a two-year (2) term by the Mayor, with advice and consent of Borough Council. The Chair and Board members shall select the Vice Chair and Secretary of the Board. The Board shall meet on a regular basis and keep minutes, which shall be submitted along with quarterly reports to Borough Council. These reports will include any activities of the Board, as well as any complaints from residents concerning backyard chickens and the resolution, if any, of those complaints.

B. When a complaint is received by the Borough, it will be forwarded to the Board for investigation by the Board. If the Board finds a violation of this Chapter, solutions will be discussed with the offending resident to allow him/her to meet the requirements of this Chapter as soon as possible. However, if, after fifteen (15) days, the violation has not been remedied, the Borough Code Enforcement Officer will be notified so that enforcement proceedings can be implemented. The Chicken Advisory Board will assist anyone desiring to no longer participate in the backyard chicken program to relocate his/her chickens.

ARTICLE VI. SECTION 9-56.6 Revocation of license; appeal.

Subject to the provisions of Section 9-56.5(B) of this Chapter, the Code Enforcement Officer is hereby empowered to revoke the license held by any person who violates any of the provisions of this Chapter. A licensee may appeal the decision of the Code Enforcement Officer revoking his/her license to the Chicken Advisory Board, by filing an appeal, in writing, to the Chicken Advisory Board within five (5) days of the effective date of the license revocation. Within ten (10) days of its receipt of such an appeal, the Chicken Advisory Board shall schedule a hearing to determine if the license issued under this Chapter should be reinstated. Notice of the time and place of such hearing shall be served, in writing, upon the licensee. The Chicken Advisory Board shall only reinstate the license issued under this Chapter upon proof by the licensee that the violation(s) of the provision(s) of this Chapter have been cured.

ARTICLE VII.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE VIII.

This Ordinance shall take effect upon passage and publication according to law.

FINANCIAL REPORTS

On the motion of Mr. Perno and second of Mr. Fitzgerald:

R19-65

RESOLUTION

RESOLVED that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bill approved therein.

GENERAL CAPITAL FUND

CHECK CAPITAL FUND	\$	204,026.22
MANUAL CHECK		

WIRE TRANSFERS				
PAYROLL	5/24/19-6/7/19			
TOTAL CAPITAL		\$	-	\$ 204,026.22
TRUST FUND				
CHECK TRUST OTHER			\$	2,265.48
FUND				
REDEVELOPER TRUST			\$	640.00
WIRE TRANSFERS				
PAYROLL	4/12/19-5/10/19		\$	16,389.62
WIRES / MANUAL CHECKS				1,609.41
TOTAL TRUST		\$	-	\$ 19,295.10
SEWER CAPITAL FUND				
CHECK SEWER CAPITAL				
MANUAL CHECKS				
WIRE TRANSFERS				
PAYROLL				
TOTAL SEWER CAPITAL		\$	-	\$ -
ANIMAL TRUST FUND				
ANIMAL TRUST CHECK			\$	20.40
TOTAL ANIMAL TRUST		\$	-	\$ 20.40
TOTAL BILL LIST & MANUAL CHECKS/WIRE		\$	612.16	\$ 548,538.07
GRAND TOTAL			\$	549,150.23

DIRECTOR OF ACCOUNTS & AUDITING
ANTHONY PERNO

10-Jun-19

ANNOUNCEMENTS

PRIVATE SESSION:

19-67

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING A PRIVATE SESSION OF COUNCIL

Daniel Sperrazze offered the following resolution and moved its adoption:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

Matters of Contract and Possible Litigation

3. It is anticipated at this time that the above stated subject matter shall be made public.
4. This Resolution shall take effect immediately.

Seconded by **Sean Fitzgerald** and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Mr. Kidd	(X)	()	()	()
Ms. Scarpa	(X)	()	()	()
Mr. Fitzgerald	(X)	()	()	()
Mr. Sperrazza	(X)	()	()	()
Mr. McLoone	(X)	()	()	()
Mr. Perno	(X)	()	()	()

Dated: **June 10, 2019**

ADJOURNMENT: On the motion of Mr. Kidd and second of Mr. Perno the meeting was adjourned at 9:13P.M.

**ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED
OFFICIAL ACTION MAY BE TAKEN AT THIS MEETING
AGENDA IS SUBJECT TO CHANGE**

Denise Brouse, Borough Clerk